REMARKS

The Examiner's Office Action of December 31, 2002 has been received and its contents reviewed. Applicant would like to thank the Examiner for the consideration given to the above-identified application, and for indicating the allowance of claims 23-27, 29, 32 and 35-40.

By the above actions, claim 34 has been amended. Accordingly, claims 23-27, 29, 32 and 34-40 are pending for consideration, of which claims 23, 29, 32, 34, 35 and 38 are independent. Claims 23-27, 29, 32 and 35-40 have been allowed. In view of these actions and the following remarks, reconsideration of this application is now requested.

The drawings stand objected to under 37 CFR 1.83(a), as the drawings fail to show the two dielectric layers with mutually different dielectric constant as recited in claim 34. In response, Applicant respectfully reminds the Examiner that the drawing change request for Fig. 4 has been filed on October 17, 2002. Accordingly, this objection should be reconsidered and withdrawn.

Referring now to the detailed Office Action, Claim 34 stands rejected under 35 U.S.C. §102(e) as being anticipated by Weigand et al. (U.S. Patent No. 6,046,503, hereafter Weigand). This rejection is respectfully traversed at least for the reasons provided below.

As amended claim 34 recites a conductor layer formed on a semiconductor substrate; a dielectric film formed on the conductor layer; and a conductor line formed on the dielectric film, wherein the conductor layer is not formed in a region directly below the conductor line but in both sides of the region thereof, and the dielectric film consists of two dielectric layers with mutually different dielectric constants.

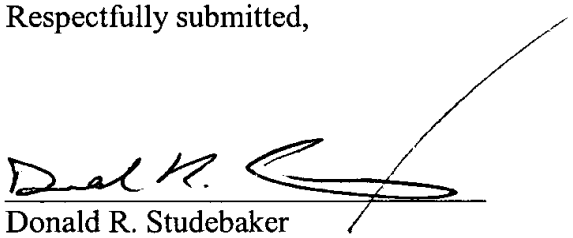
Weigand teaches, as shown in Fig. 1G, a dielectric film formed under a conductor line 40a, and is composed of two composite dielectric layers 24 and 24', which include a total of four dielectric layers, specifically a dielectric layer 20, a diamond layer 22, a dielectric layer 20' and a diamond layer 22'.

Applicant respectfully asserts that relying on an incomplete teaching of one composite dielectric layer of Weigand in an anticipatory rejection would be improper, as Weigand requires two composite dielectric layers, i.e., a total of four dielectric layers, in its complete and functional structure. Since the dielectric film in Weigand requires four dielectric layers, the invention of Weigand is different from the present invention which includes a dielectric film composed of only two layers. Hence, Weigand does not anticipate the presently claimed invention.

In view of the amendments and arguments set forth above, Applicant respectfully requests reconsideration and withdrawal of all the pending rejections.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise, which could be eliminated through discussions with Applicant's representative, then the Examiner is invited to contact the undersigned by telephone in order that the further prosecution of this application can thereby by expedited.

Respectfully submitted,



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MARKED UP VERSION

34. (Three Times Amended) A semiconductor device, comprising:

a conductor layer formed on a semiconductor substrate;

a dielectric film formed on the conductor layer; and

a conductor line formed on the dielectric film, wherein

the conductor layer is not formed in a region directly below the conductor line but in both sides of the region thereof, and

the dielectric film [comprises] consists of two dielectric layers with mutually different dielectric constants.